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**To:** [licensinglistserv@virginiainteractive.org](mailto:licensinglistserv@virginiainteractive.org)  
**Subject:** 2012 Legislative Implementation Plans - Child Day Centers

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## **MEMORANDUM**

**TO:** Licensed Child Day Centers

**FROM:** Lynne Williams, Director  
VDSS - Division of Licensing Programs

**DATE:** June 8, 2012

**RE:** Legislative Update, 2012

This year, the Virginia General Assembly passed legislation that will change portions of the Code of Virginia related to background checks and barrier crimes (§63.2-1719) and the Child Day-Care Council (§63.2-1735). The legislative changes resulting from the passage of the following bills will be effective July 1, 2012.

### **Background Checks and Barrier Crimes**

House Bill (HB) 971 **adds** the following crimes to the definition of "barrier crime" at § 63.2-1719 of the Code:

- Felony violation of a protective order as set out in § 16.1-253.2;
- Abduction as set out in subsection B of § 18.2-47 – "Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services shall be deemed guilty of "abduction";
- Extortion by threat as set out in § 18.2-59; and
- Felony violation of a protective order as set out in § 18.2-60.4.

These changes will affect the inspection of background checks in the following way:

- Criminal history record reports received on or after July 1, 2012 by facilities for individuals required to have background checks must be screened for these additional crimes. Criminal history record reports received before July 1, 2012 by facilities are not to be screened for these new barrier crimes.

### Child Day-Care Council

House Bill (HB) 1291 and Senate Bill (SB) 678 amend § 63.2-1735 of the Code of Virginia to eliminate the Child Day-Care Council. The following is guidance on what the changes are and how the Division of Licensing Programs plans to implement these changes:

The Child Day-Care Council has been eliminated as of July 1, 2012, and responsibility for regulating child day centers is now assigned to the State Board of Social Services. The legislation increases the membership of the State Board of Social Services from nine to 11 members and adds a requirement that at least two members appointed by the Governor to the State Board of Social Services be child care professionals.

The legislation also states that the regulations promulgated by the Child Day-Care Council, the Standards for Licensed Child Day Centers (22VAC15-30) shall remain in full force and effect until new regulations for child care centers are promulgated by the State Board of Social Services. These changes will affect child day centers in the following way:

- The current Standards for Licensed Child Day Centers will remain in effect with no changes.
- The Standards for Licensed Child Day Centers will now be reviewed, revised, and promulgated by the State Board of Social Services.
- A Notice of Intent of Regulatory Action (NOIRA) for the State Board of Social Services to draft new revised Standards for Licensed Child Day Centers will be presented to the State Board of Social Services at their August 2012 meeting.
- All of the work previously completed by the Child Day-Care Council regarding their draft of revised Standards for Licensed Child Day Centers will be presented to the State Board of Social services for their review and consideration.

In addition:

- Because the Child Day-Care Council also promulgated a separate set of standards for background checks for child day centers, the Department of Social Services will present a regulatory action to the State Board of Social Services to repeal the regulation, Background Checks for Licensed Child Day Centers (22VAC15-51). This action will be presented to the State Board of Social Services at their August 2012 meeting. All current requirements for background checks for licensed child day centers will be incorporated into the existing regulation, Background Checks for Child Welfare Agencies (22VAC40-191).

If you have any questions or need clarification on any of the information contained in this memo, please contact your licensing inspector.